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December 1, 2005

TO : U.S. PATENT AND TRADEMARK OFFICE

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FROM: Michael A. Bush

RE: RESPONSE TO RESTRICTION REQUIREMENT

SERIAL NO.: 10/757,995

OUR DOCKET: 1349.1243

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on Dec 1, 2005

STAAS & HALSEY

By: Edward M. Bush

Date: December 1, 2005

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Serial No. 10/757,995

DEC 01 2005

Docket No.: 1349.1243

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yong-Sok YANG

Serial No. 10/757,995

Group Art Unit: Unassigned

Confirmation No. Unassigned

Filed: January 16, 2004

Examiner: Unassigned

For: CARRIAGE FOR INK CARTRIDGE OF IMAGE FORMING APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed November 2, 2005, having a shortened period for response set to expire on December 2, 2005, the following remarks are provided.

The Examiner states that the application includes claims directed to more than one invention, and divides the claimed inventions into two groups:

Species I, drawn to a carriage for an ink cartridge of an image forming apparatus comprising: carriage body, latch rotatably disposed, resilient latch member and locking unit; and

Species II, drawn to a carriage for an ink cartridge of an image forming apparatus comprising: carriage body, latch rotatably disposed, resilient latch member and locking unit, plunger, and spring.

But the Examiner provides no basis to assert that the claims are directed to two distinct inventions.

Moreover, the Examiner asserts on page 2 of the Office Action that that no claim is generic. Applicant respectfully submits that, given the Examiner's definitions for the Species, Species I is necessarily generic with respect to Species II.

As such, using the Examiner's definitions, Applicant respectfully submits that claim 20 is directed to Species II, and claims 1-19, and 21-50 are generic.

Serial No. 10/757,995

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicant provisionally elects Species II (claims 1-50) in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Applicant notes that the Examiner has not articulated any rationale supporting his contention that the claims are directed to two distinct inventions. MPEP § 803 sets forth the requisite criteria for properly restricting the claims of an application. MPEP § 803 specifically requires that: (A) the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(I));

MPEP § 803 also specifically requires that there must be a serious burden on the Examiner if restriction is not required (see MPEP §803(B), §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth how/why there would be a serious burden if restriction is not required.

Accordingly, Applicants request, under 37 C.F.R. §1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.

III. Conclusion

Upon review of references involved in this field of technology, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application. If any further fees are required in connection with the filing of this Response, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,
STAAS & HALSEY LLP

Date: December 1, 2005

By: Michael A. Bush

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STAAS & HALSEY

By: Ebonny M. Bombardieri

Date December 1, 2005